

STATE OF VERMONT
PUBLIC SERVICE BOARD

CPG No. 694-CM

Petition of Virgin Mobile USA, LLC, to amend)
its Certificate of Public Good to reflect a name)
change)

Order entered: 4/8/2011

**ORDER AMENDING CERTIFICATE OF PUBLIC GOOD
TO REFLECT NAME CHANGE**

I. INTRODUCTION

On May 29, 2002, Virgin Mobile USA, LLC (the "Company" or "Petitioner"), received a Certificate of Public Good (CPG No. 694-CM), pursuant to 30 V.S.A. § 231, to provide commercial mobile radio services throughout Vermont.

On March 10, 2011, the Company filed a petition ("Petition") with the Vermont Public Service Board ("Board") requesting that its CPG be amended to reflect a name change to Virgin Mobile USA, L.P. As part of its Petition, the Company also filed proof of registration with the Vermont Secretary of State for Virgin Mobile USA, L.P.

On April 1, 2011, the Vermont Department of Public Service ("Department") filed a letter with the Board recommending that the Board approve the Company's request without the need for hearings or investigation.

The Board, having reviewed the Company's Petition and the other materials it filed, agrees that an amended CPG should be issued. As a result, newspaper publication is not required prior to issuance of the amended CPG. 30 V.S.A. §§ 102(a), 231(a).

Based upon the Company's Petition and accompanying documents, the Board makes the following findings.

II. FINDINGS

1. The Company was issued CPG No. 694-CM on May 29, 2002, to provide commercial mobile radio services in Vermont. *See* CPG No. 694-CM.
2. As of March 10, 2011, the Company had received and filed with the Board all

documents necessary to effect a name change to Virgin Mobile USA, L.P. Petition and Attachments.

III. DISCUSSION

30 V.S.A. § 231(a) provides that the Board may amend or revoke any CPG for good cause, after an opportunity for hearing. Since there is no controversy surrounding the Company's name change, it follows that good cause exists to amend the Company's CPG to reflect the new name of the holder of the certificate. As for whether a hearing is necessary, we conclude that it is not. First, there is no genuine issue of material fact as to whether the Company's CPG should be amended and, consequently, under V.R.C.P. 56, a hearing is unnecessary. Second, the Petitioner has asked that the CPG be amended, and the DPS has recommended that the Petition be approved without hearing. Finally, 30 V.S.A. § 231(a) requires only the opportunity for a hearing, thus acknowledging that a hearing is not always necessary prior to amendment.

IV. CONCLUSIONS

1. The CPG held by Virgin Mobile USA, LLC, should be amended to reflect the new name of the certificate-holder: Virgin Mobile USA, L.P.

V. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. The Certificate of Public Good that was issued to Virgin Mobile USA, LLC, on May 29, 2002, shall be amended to reflect the new name of the holder of the certificate: Virgin Mobile USA, L.P.

DATED at Montpelier, Vermont, this 8th day of April, 2011.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: APRIL 8, 2011

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.